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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



**U.S. Citizenship  
and Immigration  
Services**

B5

FILE: [REDACTED]  
LIN 06 273 52887

Office: NEBRASKA SERVICE CENTER

Date:  
**JUL 12 2010**

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

[REDACTED]

**INSTRUCTIONS:**

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry R. Hew  
Chief, Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center on October 10, 2007. The petitioner filed a motion to reconsider the decision, which the director denied. The petitioner then appealed the decision to the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2) as a professional or an alien of exceptional ability. The director determined that the petitioner failed to demonstrate that it had correctly classified the position as being for a professional or an alien of exceptional ability and that the petitioner failed to demonstrate its ability to pay the beneficiary the proffered salary from the priority date onwards.

On appeal, the petitioner failed to submit any new evidence regarding whether it had correctly classified the position as being for a professional or an alien of exceptional ability and whether it had the ability to pay the beneficiary the proffered salary from the priority date onwards.

The petitioner submitted the appeal on February 28, 2008. As of this date, well over two years later, the AAO has received nothing further.

The petitioner here has not provided any additional evidence. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.